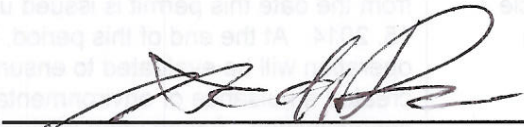


MEMORANDUM

To: Ted Rauh
Program Director
Waste Compliance and Mitigation Program
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Date: November 10, 2009

From: 
Mark de Bie, Division Chief
Permitting and Local Enforcement Agency Support Division
Waste Compliance and Mitigation Program

Subject: REQUEST FOR ACTION ON A PROPOSED MODIFIED SOLID WASTE
FACILITIES PERMIT FOR THE JEPSON PRAIRIE ORGANICS
COMPOSTING FACILITY (NO. 48-AA-0083), SOLANO COUNTY

This memo requests that the Program Director take action on a proposed Modified Solid Waste Facilities Permit for the Jepson Prairie Organics Composting Facility, SWIS No. 48-AA-0083, located in Solano County. A copy of the proposed permit is attached. The memo provides you with staff's findings and recommendations relative to the proposed action, pursuant to authority granted to the Executive Director by California Code of Regulations (CCR), Title 27, Sections 21663(a) and 21685 (c). In addition, the Executive Director has delegated to the Program Director the authority to concur in or object to modified solid waste facilities permits.

The proposed modified permit was received on September 28, 2009. Action must be taken on this permit no later than November 27, 2009. If no action is taken by November 27, 2009, the Program Director will be deemed to have concurred in the issuance of the proposed modified permit.

Based on our review of the submitted permit package, staff recommends that the Program Director concur in the issuance of the modified permit and sign below, as all of the required submittals and findings required by Title 27, Section 21685 have been made and the required CEQA findings have been made in support of concurrence. These findings are summarized in the following table. The documents or analysis on which staff's findings are based are in the facility file for the facility. The proposed changes and details on the findings are presented in more detail below.

Proposed Changes

The following changes to the permit are being proposed:

| Current | Proposed |
|---|---|
| <p>Permit Finding 13. h.: The permitted area of the Facility includes 5.4 acres allocated for drying of biosolids from July 2005 until October 15, 2008.</p> <p>Permit Condition 17. C. 11.: The facility is allowed to use up to 5.4 acres of the compost footprint located immediately south of DM-9 for the drying of biosolids (April 15 to October 15) in a Land Treatment Unit (LTU), from the date this permit is issued until October 15, 2008. At the end of this period, the drying area shall be tested for constituents of concern and clean closed as specified in WDR No. R-5-2003-0118. Article 7 materials will be staged in the area pending accepted analytical results of the testing.</p> | <p>Permit Finding 13. h.: The permitted area of the Facility includes 5.4 acres allocated for the drying of biosolids from April 2010 until October 15, 2014. The timeframe is to allow for review of the operation and is not required as part of any mitigation.</p> <p>Permit Condition 17. C. 11.: This facility is allowed to use up to 5.4 acres of the composting footprint located immediately south of DM-9 for the drying of biosolids (April 15 to October 15) in Land Treatment Unit (LTU), from the date this permit is issued until October 15, 2014. At the end of this period, the operation will be evaluated to ensure it has not created a nuisance or environmental contamination. Based upon evaluation, the operation may be allowed to continue or be required to cease and be clean closed as per Waste Discharge Requirement Order No. R-5-2008-0188, "The LTU will be clean closed at the end of its operating life in accordance with Title 27 CCR Section 21420". Article 7 materials will be staged in this area pending accepted analytical results of the testing.</p> |

Other changes being proposed as an aspect of this permit action which are found in the amended Report of Facility Information include the following:

1. Information regarding the phasing out of the windrow and "Ag bag" compost to the negative pressure aerated static pile (ASP) compost with a biofilter system.
2. Update site diagrams.

Executive Director Findings

| CCR Title 27 Sections | Findings | Acceptable | Unacceptable |
|--|--|-------------------------------------|---------------------|
| 21685(b)(1) LEA certified Report of Facility Information | The LEA provided the required certification. | <input checked="" type="checkbox"/> | |
| 21685(b)(2) LEA Five Year Permit Review | The LEA provided the required documentation. [A permit review report had been completed in July 2005; therefore, the next permit review would be required in July 2010.] | <input checked="" type="checkbox"/> | |
| 21685(b)(3) Solid Waste Facility Permit | The LEA provided all the required documentation. | <input checked="" type="checkbox"/> | |
| 21685 (b)(4)(A) or (B) Consistency with PRC 50000.5 or LEA finding relative to PRC 50001 | Board staff in the Jurisdiction Compliance and Audit Section has found the facility consistent with the Non-Disposal Facility Element. | <input checked="" type="checkbox"/> | |
| 21685(b)(7) Operations consistent with State Minimum Standards | Board staff in the Waste Compliance and Mitigation Program, in conjunction with the LEA, conducted a pre-permit inspection of the facility on September 24, 2009 and cited one | <input checked="" type="checkbox"/> | |

| CCR Title 27 Sections | Findings | Acceptable | Unacceptable |
|---|--|-------------------------------------|--------------|
| | <p>State Minimum Standards violation.</p> <p>A violation was cited for 17868.1 – sampling requirements.</p> <ul style="list-style-type: none"> The operator was unable to provide verification of pathogen reduction or metal concentration limits for compostable material observed being given away to the public. <p>In addition, a violation was cited for PRC 44014 – Operator complies with the Terms and Conditions of the permit as active composting was observed occurring outside the facility's permitted boundary, and the piles were not clearly identified and labeled as required by permit condition 17. B. 23.</p> <p>A second inspection was conducted on October 31, 2009. Previous violations had been corrected by the operator and no new violations were noted.</p> | | |
| 21685(b)(8) LEA CEQA finding | The LEA provided a finding that the proposed permit is consistent with and supported by the existing CEQA documentation. | <input checked="" type="checkbox"/> | |
| CEQA determination to support responsible agency's findings | Board staff in the Waste Compliance and Mitigation Program found that the proposed permit is consistent with CEQA and supports the ED concurrence in the modified permit (see Attachment 1 – CEQA Analysis). | <input checked="" type="checkbox"/> | |

Program Director Action:

On the basis of the information in this Request for Action on Modified Solid Waste Facilities Permit and the findings set out above, the Program Director hereby concurs in the Modified Permit.

Dated: 11/10/2009



Ted Rauh,
Program Director

Attachment:

1. California Environmental Quality Act (CEQA) Memo
2. Proposed Modified Permit 48-AA-0083 dated September 28, 2009